

THE CHAIRMAN: Just a moment. May the Chair inquire of Delegate Grant whether the purpose of his inquiry of Delegate Chabot was to agree to the substitution of Amendment 9 for Amendment 8 if the change were made?

DELEGATE GRANT: It was and it is agreed to.

THE CHAIRMAN: Delegates Clagett and Henderson agree to the substitution?

DELEGATE HENDERSON: I do.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: I will agree.

THE CHAIRMAN: This being the case, the question before you is now Amendment No. 9, it having been substituted for Amendment No. 8 by agreement. The Chair recognizes Delegate Schneider to speak in opposition to the amendment.

DELEGATE SCHNEIDER: Mr. Chairman, we in Committee discussed use of the word "regularly" and we decided, as I remember, that the word "regularly" does not necessarily mean full time. The intention of the Committee was that there should be a full time superior court in each county.

To say there should be one judge sitting regularly in the county could mean the judge from Allegany County would go regularly once a week to Garrett County and sit rather than that there should be a full-time judge in Garrett County. What we have with these two amendments which have now been combined is nothing but confusion. I think perhaps if we want to keep it clear we had better stick with the original recommendation of the Committee.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Does any delegate desire to speak in opposition? Delegate Byrnes.

DELEGATE BYRNES: Mr. Chairman, I would like to direct a question, if I may, to one of the proponents, Delegate Grant.

THE CHAIRMAN: I want to find if someone desires to speak in opposition first. Delegate Marion, do you desire to speak in opposition.

DELEGATE MARION: It seems clear to me the intention of the Committee in requiring at least one superior court judge to reside in each county was to have essentially the situation which we have now

where there is a judge of the circuit court or in Baltimore City, certainly a supreme bench who resides and who holds court in that county. I think to put in language of this sort would first of all be unnecessary because it seems clear to me by the assignment power, that this will be taken care of.

I am also concerned that it might be restrictive and create some inflexibility in the assignment of judges which the Committee wanted to prescribe in a more generous fashion throughout the State to meet the judicial business of the State wherever necessary. It is important to be able to assign judges without having to worry about language like whether the judge you want to assign, if you assign him, will not thereby be sitting regularly in the county in which he is resident.

I see problems with this and would urge the Convention to defeat the motion and leave the language as the Committee recommended it.

THE CHAIRMAN: Does Delegate Grant yield to a question of Delegate Byrnes?

DELEGATE GRANT: Yes.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: Delegate Grant, I share Delegate Marion's concern just expressed. I wonder if it is your direct intention to prohibit a particular judge from being moved around the State. If I may add, Mr. Chairman, if it is not your intention, I do not understand the purpose of it.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: The intention is simply to have first of all a superior court in each county, and secondly a resident judge in each county whom you may assume normally will sit in the superior court in that county. However, there is no intention to preclude any superior court judge from being assigned to sit in any county as the court may desire.

This is the value of Delegate Chabot's language, "a" superior court judge, instead of saying "the" superior court judge.

THE CHAIRMAN: Does Delegate Sybert desire to speak in opposition to the amendment?

DELEGATE SYBERT: Mr. Chairman, it seems to me that Amendment No. 8 more nearly arrives at the end that the proposers of the amendment seem to be pressing for.